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UNITED STATES ATTORNEY
DISTRICT OF HAWAII
ROOM 6-100, PJKK FEDERAL BUILDING
300 ALA MOANA BLVD.
HONOLULU, HAWAII 96850
PHONE: (808) 541-2850
FAX: (808) 541-2958

DATE:

9/17/18

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FAX NUMBER	PHONE NUMBER
(808) 541-1386	

TO:

Hon. Leslie Kobayashi
U.S. District Judge
District of Hawaii
U.S. Courthouse
300 Ala Moana Blvd.
Honolulu, HI 96850

FROM:

Anika Ramis

SPECIAL INSTRUCTIONS:



U.S. Department of Justice

*United States Attorney
District of Hawaii*

*PJKK Federal Building
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850*

*(808) 541-
2850
FAX (808) 541-2958*

September 17, 2018

Hon. Leslie E. Kobayashi
United States District Judge
District of Hawaii
U.S. Courthouse
300 Ala Moana Blvd.
Honolulu, Hawaii 96850

Re: United States vs. Grant Manaku,
Cr. No. 18-00069 LEK

Dear Judge Kobayashi:

As the Court is aware, the defendant, Grant Manaku, has filed a motion to suppress evidence (ECF No. 15). The motion is scheduled to be heard next Wednesday, September 26, 2018, at 2:00. I believe the government's response is due in two days, on September 19, 2018.

The government is being represented primarily by Assistant U.S. Attorney Tom Brady. As you may know, AUSA Brady also represents the government in the ongoing trial of *United States v. Isaiah McCoy and Tawana Roberts*, Cr. No 18-00016 SOM. Consequently, AUSA Brady is not available to represent the United States in the Manaku matter at this time. It has been assigned to the undersigned until AUSA Brady is available to resume his representation in this case.

Unfortunately, I am busy trying to comply with Chief Judge Seabright's scheduling order in *United States v. Christopher*, Cr. No. 18-00059 JMS-KSC. It requires me to respond to three of the defendant's motions on or before October 2, 2018. The motions are quite complicated, including two motions to dismiss both counts of the First Superseding Indictment. Chief Judge Seabright has scheduled October 26, 2018, for a hearing on the two motions.

After October 2, 2018, I will be able to focus on the Manaku case. I do not anticipate that AUSA Brady will be able to resume his representation of the case by that time. Nonetheless, if the court is willing to give the government a continuance, I can assure the court that I can prepare an appropriate response to the motion to suppress on or before October 16, 2018.

I have spoken with the defendant's counsel, Federal Public Defender Peter Wolff, and he has no objection to a continuance of the hearing date and a continuance of the briefing schedule. Both of us are available on October 31, 2018, for a hearing date. We also propose a deadline for the government's response of October 16, 2018, with the defendant having one week to file an optional reply memorandum.

As the court may know, I personally am very reluctant to seek any continuances from the court. I have done it only a couple of times during my 29 years as an AUSA. However, this was not my case and only recently was assigned to me. I simply cannot file a response by tomorrow (I am not working on Wednesday, September 19, 2018, for religious observance). Accordingly, I respectfully request that the Court postpone the hearing date and extend the briefing schedule.

Respectfully submitted,

KENJI M. PRICE
United States Attorney
District of Hawaii

By: 
MARSHALL H. SILVERBERG
Assistant U.S. Attorney

Cc: Peter C. Wolff, Jr.
Federal Public Defender
Counsel for Defendant Manaku